IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION NO : 18291 of 2004

Between:

Smt. R. Jhansi Lakshmi, W/o. Jaya Reddi, aged 40 years,

Occu:President, Somala Mandal Parishad,
Eguvapalli, Somala Mandal, Chittoor District.

..... PETITIONER

AND

1. The Commissioner and Director of School Education,

Andhra Pradesh, Hyderabad.
2. The District Educational Officer, Chittoor, Chittoor District.
3. The Mandal Educational Officer, Somal Mandal, Chittoor

District-Cum-the Head Master, Eguvapalli Mandal Parishad

Primary School, Somala Mandal, Chittoor District.
4. S. Venkatesu, S/o. Subbana, Occu:Teacher,

Mandal Parishad Primary School, Eguva Palli Village,

Somal Mandal, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue any writ, order or direction particularly one in the nature of MANDAMUS declaring the proceedings of the first respondent herein vide Rc.No.500/C3/2004 dt. 26.04.2004 as illegal, arbitrary, violative of Articles 14 & 21 of the Constitution of India, contrary to the public interest and right education of the students of the village

and consequently by nullifying the same and direct the 1st and 3rd respondents to not to relieve the 4th respondent herein till a suitable substitute teacher in his place is posted and joins duty.

Counsel for the Petitioner: MR.M.R.MOHAMMAD IRFAN

Counsel for the Respondent Nos.1 to 3: GP FOR EDUCATION

Counsel for the Respondent No.4: Mr.S.Jagadish.

The Court at the stage of admission made the following :

THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

Writ Petition No. 18291 of 2004

ORDER:

The fourth respondent is working as a Secondary Grade Teacher in Mandal Parishad Primary School, Eguvapalli village, Somala Mandal, Chittoor District. He was transferred to another place through the proceedings dated 26.05.2004 of the first respondent. The petitioner is the President of the Somala Mandal Parishad. She contends that if the fourth respondent is relieved from the school, it has to be closed, since there is no other teacher working in the school.

2. The fourth respondent filed a counter, stating that there is another teacher post in the said school and it is vacant and a Vidya Volunteer is working in the said school as on today. Therefore, he requested that he may be permitted to be relieved as per the proceedings dated 26.05.2004.

3. The second respondent is expected to make an alternative arrangement, in case, a single teacher working in a school is transferred. While transferring the fourth respondent, the second respondent ought to have posted another teacher to run the school without closing it till a substitute is posted.

4. In the light of the above circumstances, the second and third respondents are directed to post another teacher in the place of the fourth respondent at the earliest. The fourth respondent shall be relieved only after satisfying that there is a regular teacher working in the school.

5. The Writ Petition is accordingly disposed of. No costs.

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Dr.G.YETHIRAJULU, J

Date:12th October, 2004.

Cs

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Commissioner and Director of School Education,

Andhra Pradesh, Hyderabad.
2. The District Educational Officer, Chittoor, Chittoor District.
3. The Mandal Educational Officer, Somal Mandal, Chittoor

District-Cum-the Head Master, Eguvapalli Mandal Parishad

Primary School, Somala Mandal, Chittoor District.
4. Two C.Cs. to the Government Pleader for Education, High

Court Buildings, Hyderabad. (O.U.T.)

5. Two C.D. copies.